

**NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR
BRICK AND STRUCTURAL CLAY PRODUCTS MANUFACTURING:
RECONSIDERATION**

FACT SHEET

ACTION

- On May 16, 2003, the Environmental Protection Agency (EPA) promulgated national emission standards for hazardous air pollutants (NESHAP) for new and existing sources at brick and structural clay products manufacturing facilities (the final rule). The Administrator subsequently received a petition for reconsideration of the final rule. On April 18, 2005, EPA is announcing its reconsideration of and requesting public comment on one issue arising from the final rule.
- The reconsideration issue involves the petitioner's claim that the maximum achievable control technology (MACT) floors, and MACT standards based on the floors, at promulgation were set using a different control technology than the control technologies upon which the proposed standards were based and that EPA did not provide adequate opportunity for public comment on the revised MACT floors. At proposal, the standards for certain tunnel kilns were based on three control technologies: dry lime injection fabric filters (DIFF), dry lime scrubber fabric filters (DLS/FF), and wet scrubbers (WS). At promulgation, the standards were based on dry limestone adsorption (DLA) technology.
- Because the proposed MACT floors and standards were changed in response to comments received on the proposed rule, the notice of reconsideration provides an opportunity for public comment on the DLA-based floors and standards reflected in the final rule only.
- Comments may be submitted for 60 days following publication of the reconsideration notice in the *Federal Register*.

BACKGROUND

- Under the Clean Air Act, EPA is required to regulate emissions of 188 toxic air pollutants. On July 16, 1992, EPA published a list of industry groups, known as source categories, that emit one or more of these air toxics. For listed categories of "major" sources (those that have the potential to emit 10 tons per year or more of a single listed air toxic or 25 tons per year or more of a combination of air toxics), the Clean Air Act requires EPA to develop standards that restrict emissions to levels consistent with the lowest emitting (also called best-performing) facilities. These standards are based on stringent air pollution reduction measures known as Maximum Achievable Control

Technology or MACT.

- The Clean Air Act requires the MACT floor for new sources to be based on the degree of emissions reductions achieved in practice by the best-controlled similar source. For existing sources, the MACT floor represents the average emission limitation achieved by the best performing 12% of existing sources.
- EPA's published list of industry groups to be regulated includes "Clay Products Manufacturing." Early in the regulatory development process, four distinct industries were identified within the listed source category. Standards for "Brick and Structural Clay Products Manufacturing" were subsequently proposed on July 22, 2002 and promulgated on May 16, 2003.
- The brick and structural clay products production process consists of preparing the raw materials (primarily clay and shale), forming the processed materials into bricks and shapes, and drying and firing the bricks and shapes.

FOR MORE INFORMATION

- To download the reconsideration notice from EPA's web site, go to "Recent Actions" at the following address: <http://www.epa.gov/ttn/oarpg>.
- Today's reconsideration notice and other background information also are available through EPA's Air and Radiation Docket and Information Center (Docket Number OAR-2002-0054 (legacy number A-99-30)) by calling (202) 566-1742 or faxing (202) 566-1741. A reasonable fee may be charged for copying.
- Written comments should be submitted (in duplicate) to: Air and Radiation Docket and Information Center (6102T), Attention Docket Number OAR-2002-0054, U.S. Environmental Protection Agency, EPA West, 1301 Constitution Avenue, Washington, DC 20460. Also, please send a separate copy to Ms. Mary Johnson, Office of Air Quality Planning and Standards, ESD (C439-01), Research Triangle Park, North Carolina 27711; fax (919) 541-5450; email address johnson.mary@epa.gov.
- For further information about the reconsideration notice, contact Ms. Mary Johnson at EPA's Office of Air Quality Planning and Standards at (919) 541-5025.
- The EPA's Office of Air and Radiation's (OAR) homepage on the Internet contains a wide range of information on the air toxics program and many other air pollution programs and issues. The OAR home page address is: <http://www.epa.gov/oar/>.